

105TH CONGRESS  
2D SESSION

# S. 2410

To amend titles XIX and XXI of the Social Security Act to give States the option of providing medical assistance to certain legal immigrant children and to increase allotments to territories under the State Children's Health Insurance Program.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 1998

Mr. GRAHAM (for himself, Mr. MOYNIHAN, and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend titles XIX and XXI of the Social Security Act to give States the option of providing medical assistance to certain legal immigrant children and to increase allotments to territories under the State Children's Health Insurance Program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Medicaid and Chil-  
5 dren's Health Improvement Amendments of 1998".

1 SEC. 2. STATE OPTION TO COVER LEGAL IMMIGRANT CHILDREN UNDER MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM.

4 (a) MEDICAID.—Section 1902(a)(10)(A)(ii) of the  
5 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is  
6 amended—

7 (1) by striking “or” at the end of subclause  
8 (XIII);

9 (2) by adding “or” at the end of subclause  
10 (XIV); and

11 (3) by adding after subclause (XIV) the follow-  
12 ing new subclause:

13 “(XV) who are described in sec-  
14 tion 1905(a)(i) and who would be eli-  
15 gible for medical assistance (or for a  
16 greater amount of medical assistance)  
17 under the State plan under this title  
18 but for the provisions of section 403  
19 or section 421 of Public Law 104-  
20 193, but the State may not exercise  
21 the option of providing medical assist-  
22 ance under this subclause with respect  
23 to a subcategory of individuals de-  
24 scribed in this subclause;”.

1 (b) CHILDREN'S HEALTH INSURANCE PROGRAM.—

2 Section 2110(b) of the Social Security Act (42 U.S.C.

3 1397jj(b)) is amended—

4 (1) in paragraph (1)(A), by inserting before the  
5 semicolon “(including, at the option of the State, a  
6 child described in paragraph (3)(B))”; and

7 (2) in paragraph (3)—

8 (A) by striking “SPECIAL RULE.—” and  
9 inserting “SPECIAL RULES.—

10 “(A) HEALTH INSURANCE COVERAGE.—”;

11 (B) by indenting the remainder of the text  
12 accordingly; and

13 (C) by adding at the end the following new  
14 subparagraph:

15 “(B) ELIGIBILITY FOR LEGAL IMMIGRANT  
16 CHILDREN.—For purposes of paragraph (1)(A),  
17 a child is described in this subparagraph if—

18 “(i) the child would be determined eli-  
19 gible for child health assistance under this  
20 title but for provisions of sections 403 and  
21 section 421 of Public Law 104–193; and

22 “(ii) the State exercises the option to  
23 provide medical assistance to the category  
24 of individuals described in section  
25 1902(a)(10)(A)(ii)(XV).”.

1 SEC. 3. INCREASED ALLOTMENTS UNDER CHILDREN'S  
 2 HEALTH INSURANCE PROGRAM FOR TERRI-  
 3 TORIES.

4 (a) IN GENERAL.—Section 2104(c) of the Social Se-  
 5 curity Act (42 U.S.C. 1397dd(c)) is amended by adding  
 6 at the end the following new paragraph:

7 “(4) ADDITIONAL ALLOTMENT.—

8 “(A) IN GENERAL.—In addition to the al-  
 9 lotment under paragraph (1), the Secretary  
 10 shall allot each commonwealth and territory de-  
 11 scribed in paragraph (3) the applicable percent-  
 12 age specified in paragraph (2) of the amount  
 13 appropriated under subparagraph (B).

14 “(B) APPROPRIATION.—For purposes of  
 15 providing allotments pursuant to subparagraph  
 16 (A), there is appropriated, out of any money in  
 17 the Treasury not otherwise appropriated—

18 “(i) \$34,200,000 for each of fiscal  
 19 years 1999 through 2001;

20 “(ii) \$25,200,000 for each of fiscal  
 21 years 2002 through 2004;

22 “(iii) \$32,400,000 for each of fiscal  
 23 years 2005 and 2006; and

24 “(iv) \$40,000,000 for fiscal year  
 25 2007.”

1 (b) CONFORMING AMENDMENT.—Section 2104(b)(1)  
2 of such Act (42 U.S.C. 1397dd(b)(1)) is amended by in-  
3 serting “(determined without regard to paragraph (4)  
4 thereof)” after “subsection (c)”.

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